

REMARKS

The Examiner has required restriction between the following Groups of claims:

Group I, claims 1-17, drawn to a mammal having a heterologous nucleic acid sequence replacing an allele of an atonal-associated nucleic acid sequence, wherein said heterologous sequence inactivates said allele;

Group II, claims 1-17, drawn to a Drosophilae having a heterologous nucleic acid sequence replacing an allele of an atonal-associated nucleic acid sequence, wherein said heterologous sequence inactivates said allele;

Group III, claims 1-17, drawn to a zebrafish having a heterologous nucleic acid sequence replacing an allele of an atonal-associated nucleic acid sequence, wherein said heterologous sequence inactivates said allele;

Group IV, claims 1-17, drawn to a frog having a heterologous nucleic acid sequence replacing an allele of an atonal-associated nucleic acid sequence, wherein said heterologous sequence inactivates said allele;

Group V, claims 18-39, drawn to a method of treating an animal using an atonal-associated protein;

Group VI claims, 18-39, drawn to a method of treating an animal using an atonal-associated nucleic acid sequence;

Group VII, claims 40-46, drawn to compositions for therapy comprising atonal associated proteins;

Group VIII, claims 40-46, drawn to compositions for therapy comprising atonal associated nucleic acid sequences;

Group IX, claims 47 and 55, drawn to compositions for therapy comprising fusion proteins comprising atonal associated proteins;

Group X, claims 48 and 55, drawn to compositions for therapy comprising nucleic acid sequences encoding fusion proteins comprising atonal associated proteins;

Group XI, claims 49-54, drawn to method of treatment using fusion proteins comprising atonal associated proteins; and

Group XII, claims 49-54, drawn to method of treatment using nucleic acid sequences encoding fusion proteins comprising atonal associated proteins.

Applicants traverse the restriction of the claims, but in the interest of being fully responsive to the outstanding Action Applicants hereby provisionally elect claims 48 and 55 of Group X for continued examination. Claims 20 and 40-46 are cancelled herein without prejudice and without acquiescence.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent such that it would not be an undue burden to search and examine all of the pending claims at the same time. Thus, it is respectfully requested that the restriction requirement be withdrawn, and that all claims presently pending and presented herein in this application be examined.

The Examiner furthermore sets forth a species election of an *atonal*-associated sequence for the generic claims. Applicants also traverse this species election and assert it is unreasonable to require election of species, given that they are all closely related sequences of the *atonal* group, and that it would not be an undue burden to search and examine more than one *atonal*-associated sequence. In the interest of being fully responsive to the outstanding Office Action, however, Applicants elect *Hath1* for the species. However, Applicants assert that upon allowance of a generic claim, they are entitled to consideration of claims to other *atonal*-associated sequences, such as *Math1*.

Applicant believes no fee is due with this response other than the fee for the Petition for Extension of Time of Two Months and the fee for the Supplemental Information Disclosure Statement. However, if another fee (or fees) is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P01899US3 from which the undersigned is authorized to draw.

Dated: Jan. 20, 2004

Respectfully submitted,
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